

Date: 6/5/2012 9:41 AM
Subject: MSP NCJA Update-Fingerprinting Construction Workers

Dear NCJA:

This is an update on behalf of the Department of Michigan State Police (MSP), Criminal Justice Information Center (CJIC), Audit and Training Section (ATS). You are receiving this message as you have requested or agreed to be added to our ATS Listserv. If you no longer wish to receive updates, or you feel you've received this message in error, please reply to this correspondence with "REMOVE" in the subject line.

Questions: As a school agency, can I conduct a fingerprint background check on our agency construction workers, contracted for a project at my school? If so, what would be the appropriate code to use?

Answer: Yes, as a school agency fingerprint background checks are permissible. Please include within any contractual agreement between the school and the construction company language that states that all employees of the construction entity working as part of the proposed project (on school property), will be required to complete a child protection employment (CPE) check. Checks referred to in the agreement will be performed by the school. CHRI received under CPE are not allowed to be shared with the construction company or any other entities. For the purpose of the compliance audit review the school agency would be responsible for providing the three pieces of audit documentation (position documentation, consent, and CHRI) for each individual.

School employment (SE) fingerprint reason would not apply as Michigan Compiled Law (MCL) 380.1230a(15)(d) defines "Regularly and continuously work under contract" as:

- ~To provide food
- ~custodial
- ~Transportation
- ~Counseling
- ~Administrative services
- ~To provide instructional services to pupils;
- ~or related and auxiliary services to special education pupils

Thank you,

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